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The situation in the Middle East

The situation in the Middle East

Report of the Secretary-General

Summary

The present report contains replies received from Member States in response to the note verbale by the Secretary-General of 2 May 2017 concerning implementation of the relevant provisions of General Assembly resolutions 71/24 and 71/25, on the situation in the Middle East.

* A/72/150.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 71/24 and 71/25. In its resolution 71/24, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions. In its resolution 71/25, the General Assembly stressed that a comprehensive, just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by people of all religions and nationalities.

2. On 2 May, in order to fulfil my reporting responsibility under resolutions 71/24 and 71/25, I addressed notes verbales to the Permanent Representative of Israel and to the Permanent Representatives of all other States Members of the United Nations requesting them to inform me of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As at 15 August 2017, replies had been received from Brazil, Iraq, Mexico and the State of Palestine. The replies are reproduced in section II of the present report.

II. Replies received from Member States

State of Palestine

[Original: English]

The resolution concerning Jerusalem represents an integral part of the clear stance of the General Assembly regarding the question of Palestine, including one of its key aspects, the question of the city of Jerusalem. This resolution is grounded in international law and consistent with the relevant United Nations resolutions adopted by the General Assembly and the Security Council, and with the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice. The resolution, adopted by the Assembly on 30 November 2016, continues to receive the overwhelming support of States, as it reflects the long-standing and principled international position regarding the City of Jerusalem.

On the eve of the fiftieth anniversary of Israel's occupation of Palestinian territory in 1967, including East Jerusalem, the General Assembly's adoption of resolution 71/25 confirms the consistent and continuous rejection of all Israeli measures aiming at entrenching its illegal annexation of East Jerusalem instead of ending its occupation, thus further obstructing efforts to peacefully resolve the Israeli-Palestinian conflict, which remains the core of the Arab-Israeli conflict.

In this regard, the Assembly reiterated its determination that any actions taken by Israel, the occupying Power, to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are illegal and therefore null and void and have no validity whatsoever, and called upon Israel to immediately cease all such illegal and unilateral measures, mirroring provisions in previous Security Council and General Assembly resolutions, recalled in resolution 71/25, determining that all legislative and administrative measures and actions taken by Israel, the occupying Power, that have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem, are considered null and void and must be rescinded forthwith.

This principled position was reaffirmed and reinforced by the Security Council's adoption of resolution 2334 (2016). The State of Palestine has repeatedly appealed for the full respect and implementation of Security Council resolution 2334 (2016), as well as all other relevant resolutions. That resolution, pursued earnestly by the State of Palestine with conscientious Council members, reflects the international community's long-standing and unequivocal stance regarding the requirements for a just, comprehensive and lasting solution to the conflict, including as regards Jerusalem. The resolution, in line with relevant provisions in previous Security Council and General Assembly resolutions, including resolution 71/25, reaffirmed the inadmissibility of the acquisition of territory by force, underlining that the Council will not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations, and condemned all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem.

East Jerusalem has always been a primary target of these illegal measures. This year is no exception. Israel's construction and expansion of its settlements and their associated regime, including the construction of the wall, its restrictions on Palestinian access to and residence in East Jerusalem through, inter alia, military checkpoints, settlers' roads, confiscation of land, discriminatory zoning and planning, demolition of homes and revocation of residency cards, have continued unabated.

Israel has announced and advanced plans for thousands of settlement units in and around East Jerusalem since the adoption of resolution 71/25. The monthly average of demolitions in East Jerusalem since the beginning of 2017 remains at the same level as in 2016, when demolitions reached a 15-year record. In East Jerusalem, only 13 per cent of the municipal area, most of which is already built up, is zoned for Palestinian construction. Up to a third of Palestinians in East Jerusalem face the risk of demolition and displacement. As stressed by the Office for the Coordination of Humanitarian Affairs, demolitions — along with a broad range of other official Israeli practices and policies — contribute to creating a coercive environment, which is leading to forced displacement, particularly in East Jerusalem. Israel has continued its policy aiming to restrict access for Palestinians to Jerusalem and to sever East Jerusalem from its Palestinian environment.

The Assembly's call for respect for the historic status quo at the holy places of Jerusalem, including the Haram al-Sharif, in word and practice, was also violated by Israel. We recall here the Security Council's press statement of 17 September 2015, in which it was underscored that Muslim worshippers at the Haram Al-Sharif must be allowed to worship in peace, free from violence, threats and provocations and calling for respect for the sanctity of the area and for maintaining the historic status quo at the holy sites. Just this past month, tensions reached extremely high levels due to violence and repeated provocations and incitement by Israel, the occupying Power, against our people and holy sites in occupied East Jerusalem, notably the Haram al-Sharif, which houses the Holy Al-Aqsa Mosque, in absolute contempt for international law and the will of the international community.

In this regard, on Friday, 14 July 2017, following an attack that occurred in the vicinity of the Haram al-Sharif, President Mahmoud Abbas called Prime Minister Netanyahu to condemn the attack and to call for respect for the historic status quo. Despite assurances by Prime Minister Netanyahu that Israel would uphold the historic status quo, the Israeli Government took a dangerous decision to close Al-Aqsa Mosque and ban Friday prayers and undertook a number of measures hindering the unimpeded access of Muslim worshippers to the holy site. These measures, which violate the historic status quo, included the installation of metal detectors and metallic bars, as well as the placing of additional cameras outside the Holy Compound.

Despite repeated and continuous violations of international law by Israel, President Mahmoud Abbas and the Palestinian leadership continued to demonstrate their commitment to non-violence and peaceful, political, diplomatic, legal means for the attainment of Palestinian rights and the achievement of a just and lasting solution to the conflict, as well as their readiness to cooperate with all international and regional efforts towards achieving that end. In this regard, the State of Palestine called for respect for the sanctity of the holy sites in Jerusalem, respect for the historic status quo at the Haram al-Sharif and an end to provocations, incitement and violence.

The Palestinian leadership, in coordination with the Hashemite Kingdom of Jordan, given its special role with regard to Muslim and Christian holy sites in Jerusalem, maintained close contact with the Secretary-General and other United Nations officials, as well as with members of the international community, to ensure that Israel swiftly reverses its recent measures and ends all actions violating the historic status quo in order to ensure the de-escalation of this perilous situation.

Palestine pursued and contributed to the adoption of clear positions regarding the need to fully uphold the historic status quo by the Arab League, the Organization of Islamic Cooperation, and the Non-Aligned Movement. The State of Palestine has also repeatedly highlighted the grave issues facing Jerusalem, including in the context of its official letters addressed to the Secretary-General and the Presidents of the Security Council and General Assembly, drawing the international community's attention to the perils of this fragile situation in Jerusalem as a result of Israel's illegal policies and practices and also due to provocations and attacks by Israeli settlers and religious fanatics against Palestinian civilians and against Muslim and Christian holy sites. It has cautioned about the far-reaching short-term and long-term consequences of any further destabilization, notably in the context of the acute crises, conflicts and instability throughout the region at the present time, including the stoking of a religious conflict. It has also continued to garner and provide support for the Palestinian people in the city and for the preservation of the cultural and religious heritage in Jerusalem.

Such efforts have been undertaken in spite of the deliberate and blatant Israeli obstruction of access for the Palestinian Government to the City and the occupation's obstruction of Palestinian development in the City. In this regard, we must also draw attention to the fact that numerous official Palestinian institutions in Jerusalem, including Orient House, remain closed by order of the occupying Power, in violation of Security Council resolution 1515 (2003).

The Palestinian people peacefully expressed their rejection of these illegal and provocative measures against their rights and their holy sites, including by refusing to enter the Holy Compound and by praying in the street instead. Yet their peaceful demonstrations and steadfastness in preserving the character and identity of the city were met with violent repression and attacks by Israeli occupation forces and armed Israeli settlers, leading to the killing and wounding of Palestinian civilians.

Israel thus demonstrated once again its contempt for international human rights law, including, where applicable, the law enforcement paradigm, and more specifically the prohibition of arbitrary deprivation of life. Palestinians were killed as a result of unnecessary and unwarranted use of force, confirming yet again the harrowing pattern of unlawful killings and unwarranted injuries of Palestinian civilians by Israeli forces. Israel also continued to resort to mass arbitrary arrest, including against elected representatives and political figures, as a form of collective punishment with the aim of intimidating and significantly restricting the freedoms of Palestinians.

While resolution 71/25 calls on all parties to refrain from provocative actions, incitement and inflammatory rhetoric, especially in areas of religious and cultural sensitivity, Israeli government officials continued to make provocative statements, further exacerbating the situation. We refer in this regard to the statement by the Israeli Minister of Public Security, Gilad Erdan, who declared: "Israel holds sovereignty over the Mount, no matter what other countries' positions are and if we decide that a certain move has a certain advantage, then it is carried out." Furthermore, the so-called Israeli "ministerial committee for legislation affairs" approved a bill on 16 July that aims at further obstructing peace efforts by trying to consolidate Israel's illegal annexation of East Jerusalem.

Israel finally reversed the measures adopted as of 14 July in violation of the historic status quo. However, Israel did not put an end to its violations throughout the Occupied Palestinian Territory, including East Jerusalem, thus perpetuating the conflict and further fuelling the situation. East Jerusalem is an integral part of the Occupied Palestinian Territory, and only an end to the Israeli occupation, including of East Jerusalem, can lead to a just, comprehensive and lasting solution to the conflict.

We continue to underscore the permanent responsibility of the United Nations towards the question of Palestine, including the question of the City of Jerusalem, which has unique spiritual, religious and cultural dimensions, until it is satisfactorily and justly resolved in all aspects, in accordance with international law, United Nations resolutions, the Madrid principles, including land for peace, and the Arab Peace Initiative. Thus, as in previous resolutions, the Assembly stressed in resolution 71/25 that a comprehensive, just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants. We stress in this regard that the legitimacy of the concerns derives from their consistency with international law. The Assembly also called for permanent, free and unhindered access to the holy places by people of all religions and nationalities.

Israel must no longer be able to persist in its illegal occupation and colonization of Jerusalem and the rest of the Palestinian territory that it has occupied since 1967. The occupying Power must finally adhere to the applicable provisions of international law, including the Fourth Geneva Convention, and be held accountable for any and all violations committed against the Palestinian people, their properties and land.

We continue to call for and support serious, responsible and urgent efforts towards ensuring Israel's complete withdrawal from the Palestinian territory occupied since June 1967, including East Jerusalem; the achievement of the two-State solution of an independent, sovereign, contiguous and viable State of Palestine, with East Jerusalem as its capital, living side by side with Israel in peace and security within recognized borders based on the pre-1967 borders; and the realization of the inalienable rights of the Palestinian people, including a just solution for the Palestine refugees based on General Assembly resolution 194 (III). The Palestinian leadership reaffirms its commitment to a peaceful and just solution and likewise urges the international community to uphold its obligations and commitments.

Brazil

[Original: English]

The Permanent Mission of Brazil to the United Nations has the honour to refer to the notes verbales of the Secretary-General regarding General Assembly resolutions 71/23, 71/24 and 71/25, adopted under the agenda items "Question of Palestine" and "The situation in the Middle East", in order to inform steps taken by the Government of Brazil concerning the implementation of the said resolutions.

In 2010, Brazil recognized the State of Palestine within its 1967 borders, with East Jerusalem as its capital. In accordance with Security Council resolution 478 (1980), Brazil does not recognize the city of Jerusalem as the capital of Israel and deems null and void the so-called "Basic Law of Jerusalem". The Embassy of Brazil in Israel is located in Tel Aviv. In this regard, Brazilian passports issued to persons born in Jerusalem do not mention Israel as the country of birth.

Brazil has reiterated the illegality under international law of the Israeli occupation of the Occupied Arab Territories, as well as the international obligations of Israel as an occupying Power, including in the Syrian Golan. The actions of Brazil are aimed at ensuring that Israel respects the provisions of the Fourth Geneva Convention and other applicable international norms.

As in previous years, during the seventy-first session Brazil voted in favour of General Assembly resolutions under the agenda items "Question of Palestine" and "The situation in the Middle East". Concerning the resolution on the Syrian Golan, Brazil and Argentina delivered a joint explanation of vote, as in previous years, clarifying that both countries have no intention of prejudging the delimitation of the territory to be returned by Israel to Syria, to be negotiated between the parties. The explanation of vote reiterated the fundamental unlawfulness of the acquisition of territory by force according to International Law, and in particular article 2, paragraph 4, of the Charter of the United Nations.

In this regard, Security Council resolution 497 (1981), adopted unanimously, declared null and void and without international legal effect Israeli decisions to impose its laws in the occupied Syrian Golan, as these measures violate the 1949 Geneva Convention on the Protection of Civilian Persons in Time of War.

The Brazilian legislative decree by which the Free Trade Agreement between Brazil and Israel was approved determined that the Government shall negotiate the "exclusion, from the Agreement's coverage, of goods whose certificates of origin attest as their origin sites under Israeli administration since 1967", which includes not only the Occupied Palestinian Territories, but also the occupied Syrian Golan. This issue is currently on the agenda of the Joint Committee established under the Agreement.

Brazil supports the activities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), having contributed the equivalent of over S$20 million to the Agency since 2008. Brazil has been a member of the Advisory Commission of UNRWA since 2014.

Iraq

[Original: Arabic]

General Assembly resolution 71/24

Iraq fully supports General Assembly resolution 71/24, which is entitled "The Syrian Golan", and calls on all Member States to implement it immediately.

Iraq reiterates that all the actions and measures that Israel has taken to alter the legal status, physical character, demographic composition and institutional structure of the occupied Syrian Golan and to impose its jurisdiction and administration on that territory, including the construction and expansion of Israeli settlements in the Syrian Golan, which has been occupied since 1967, are without legal effect and constitute a flagrant violation of international law, the Charter of the United Nations and United Nations resolutions.

The international community must fulfil its responsibilities pursuant to international law and United Nations resolutions and prevent Israel from persisting with its violations, including the plundering of the natural resources of the occupied Syrian Golan in contravention of the principle of the permanent sovereignty of occupied peoples over their natural resources.

General Assembly resolution 71/25

Iraq fully supports General Assembly resolution 71/25, which is entitled "Jerusalem", and calls on all Member States to implement it immediately and fully. It strongly condemns the Judaization policy of the occupying authorities. That policy will only fuel conflict, undermine the two-State solution and encourage radicalism. Iraq reiterates its support for a just and comprehensive solution to the question of Palestine and Al-Quds al-Sharif that is founded on the Arab Peace Initiative, which was adopted by the Organization of Islamic Cooperation, and international resolutions concerning the legal status of Quds al-Sharif, under which the city is considered to be part of the territory that Israel occupied in 1967 and the capital of the State of Palestine. Iraq has endorsed League of Arab States resolutions 8109, 8110, 8111, 8112, 8113, 8114 and 8115, all of which were adopted by the Council of the League at its 147th session at the ministerial level, and League of Arab States resolution 674, which was adopted at the 28th session at the summit level.

Iraq reiterates that all States must comply with Security Council resolutions 476 (1980) and 478 (1980), in which Member States are called on not to transfer their diplomatic missions to Jerusalem. Iraq supported the adoption of recommendations by the Arab-Chinese Forum that was held in Beijing from 21 to 25 May 2017. It supports all recommendations related to the Palestinian question and stresses the importance of taking a decisive position with regard to Israeli violations in the occupied city of Jerusalem, as set out by the Arab-Russian Forum that was held in Abu Dhabi in February 2017.

Iraq calls on the United Nations to raise awareness of the collective international responsibility towards Jerusalem and urge the international community to fulfil completely its responsibility to protect Jerusalem and its international human and cultural legacy and its educational, demographic and cultural character. The Organization must put pressure on Israel to halt all colonial activity, which is aimed at altering the legal status of the Holy City, by implementing the relevant Security Council resolutions, the most recent of which is resolution 2334 (2016).

Iraq reaffirms that the United Nations has a permanent responsibility towards the question of Palestine, including the city of Jerusalem, and that it must find a just

solution that addresses all aspects of the question in accordance with international law. Jerusalem is significant not only to the Palestinians and Israelis, but also to the followers of all three monotheistic religions and to the international community. The time has come to bring to an end the half-century Israeli occupation of Palestine. Serious, responsible and urgent efforts must be made to ensure that Israel withdraws fully from occupied Palestinian territory, including East Jerusalem, and to realize the two-State solution, namely, the establishment of the independent, sovereign, geographically contiguous and viable State of Palestine, with East Jerusalem as its capital, living side by side with Israel in peace and security within recognized borders that are based on the pre-1967 borders.

Mexico

[Original: Spanish]

The Permanent Mission of Mexico to the United Nations has the honour to refer to the note verbale in which information was requested on the implementation of General Assembly resolutions 71/24 and 71/25 on the situation in the Middle East.

The Permanent Mission of Mexico has the honour to forward the following reply from the Government of Mexico to this request:

- Mexico supports a comprehensive solution to the Middle East conflict based on the existence of two States, Israel and Palestine, living side by side within secure and internationally recognized borders in accordance with United Nations resolutions.

- The Government of Mexico has emphatically rejected the continued expansion of Israeli settlements in the occupied Palestinian territories and the territory of the Syrian Golan. It has therefore called on the Government of Israel to revoke such measures and avoid such actions as evictions and the demolition of Palestinian homes in the occupied Palestinian territories, including East Jerusalem. Mexico considers that those actions are contrary to international law and do not help to create a climate conducive to the negotiation process between the two parties.